

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH PATTON,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

2:12-cv-01437-JCM-GWF

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On March 14, 2014, the court filed an order granting respondents' motion to dismiss certain claims in the amended petition, but denying the motion as to other claims. (ECF No. 34). The court directed respondents to file an answer to the remaining grounds of the amended petition. (*Id.*). On April 14, 2014, respondents filed an answer. (ECF No. 36). Petitioner has filed motions, which the court now addresses.

Petitioner has filed a motion for the appointment of counsel. (ECF No. 35). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.),

1 *cert. denied*, 469 U.S. 838 (1984). The court notes that petitioner has previously sought the
2 appointment of counsel in this case. By order filed January 31, 2013, this court denied petitioner's
3 previous motion for the appointment of counsel. (ECF No. 6). Nothing in petitioner's current
4 motion causes the court to change its decision that the appointment of counsel is unwarranted in this
5 case. The amended petition on file in this action is sufficiently clear in presenting the issues that
6 petitioner wishes to bring. The issues in this case are not complex. Counsel is not justified in this
7 instance. The motion for the appointment of counsel is denied.

8 Petitioner has filed a motion for an extension of time in which to file a reply to respondents'
9 answer. (ECF No. 37). Petitioner seeks an extension of time of sixty (60) days in which to file a
10 reply to the answer. Having reviewed the motion and good cause appearing, petitioner's motion is
11 granted.

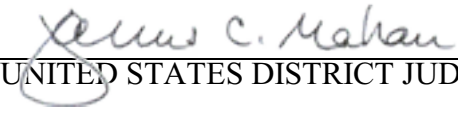
12 Petitioner has also filed a motion to extend his prison copywork limit. (ECF No. 38).
13 Petitioner explains that he has reached or exceeded the limit for free copywork pursuant to the
14 Department of Corrections' administrative regulation 722.12. Petitioner seeks a reasonable
15 allowance of copywork for documents relevant to this federal habeas corpus proceeding. Because
16 petitioner seeks to file a reply to the answer, the court recognizes that a reasonable copywork
17 extension is warranted in this instance. Petitioner shall be given a reasonable amount of copywork
18 free of charge in order to file a reply to the answer.

19 **IT IS THEREFORE ORDERED** that petitioner's motion for the appointment of counsel
20 (ECF No. 35) is **DENIED**.

21 **IT IS FURTHER ORDERED** that petitioner's motion for an extension of time to file a
22 reply (ECF No. 37) is **GRANTED**. Petitioner's reply to the answer shall be filed within **sixty (60)**
23 days from the date of entry of this order.

1 **IT IS FURTHER ORDERED** that petitioner's motion to extend his prison copywork
2 limited (ECF No. 38) is **GRANTED**. Petitioner shall be given a reasonable amount of copywork
3 free of charge in order to file a reply to the answer.

4 Dated April 25, 2014.

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8 UNITED STATES DISTRICT JUDGE
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